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tuted him her agent or bailee, and that such service was so far outside the scope of his employment that defendant is not responsible for his theft of three diamond rings valued at \$1,500. It appeared that the conductor was in charge of the train, and that the trainman, who by the rules of the company was subject to the orders of the conductor, had been ordered by the latter to carry the suit case. The Appellate Division of the Supreme Court of New York held that under the circumstances the trainman, in taking the bag from plaintiff and exercising control over it, must be assumed to have acted for defendant.

One Man a Candidate for Two Parties.—Plaintiff, in the case of *Fickert v. Zemansky*, 108 Pacific Reporter, 269, was duly nominated as the Republican candidate for district attorney. The Union Labor party had no candidate for that office, but a blank space was left on the ballot where the elector might write the name of the person he desired to vote for. Plaintiff's name was written in by the greatest number of electors of that party. The board of election commissioners refused to print plaintiff's name upon the ballots to be used at the general election as the candidate of the Union Labor party on the theory that one party could not, at a primary election, nominate as its own candidate a member of another party, and that the voter of a party, in writing on the blank line placed on the primary ballot for that purpose the name of some person as his nominee for an office, must confine himself to members of his own party. The Supreme Court of California held that as there was nothing in the primary act or in any other law of the state that purported to preclude the nomination as a candidate for office by the electors of one party of a member of another party, plaintiff was entitled to have his name printed on the ballots as nominee for both parties.

Chastisement of Pupils.—Reuben cursed a school mate. The schoolmaster switched Reuben. Reuben cursed the schoolmaster, and he was cruelly switched. An irate father and boy brother violently assaulted the schoolmaster; left him in a dazed condition with several deep gashes in his head. The schoolmaster received a verdict for \$3,000 actual and \$500 punitive damages, but it was reduced to \$2,400 by a remittitur. The Court of Appeals of Missouri in *Cook v. Neely*, 128 Southwestern Reporter, 233, held that a teacher may discipline his pupils by personal chastisement in a reasonable and moderate manner; but that if he goes beyond this, and punishes a pupil in a cruel manner, and the parent, being incited thereto, should assault the teacher, such punishment, while not justifying the assault, may be shown in evidence in mitigation of damages. In the opinion of the court the verdict was sustained by a preponderance of the testimony, showing an aggravated assault, perpetrated by two against one, and that without justifiable cause.